

**Before the  
Federal Communications Commission  
Washington, DC 20554**

**FCC 17M-09  
10768**

In the Matter of	)	MB Docket No. 16-357
	)	
<b>Entercom License, LLC</b>	)	Facility ID No. 65483
Applications for Renewal of License for Station	)	
KDND(FM), Sacramento, California	)	File Nos. BRH-20050728AUU and
	)	BRH-20130730ANM
	)	

**ORDER**

**Issued:** March 16, 2017

**Released:** March 16, 2017

On October 27, 2016, the Media Bureau released *In the Matter of Entercom License, LLC Application for Renewal of License for Station KDND(FM), Sacramento, California*, Hearing Designation Order and Notice of Opportunity for Hearing, 31 Fcc Rcd 12186 (*HDO*), in the above-captioned renewal proceeding. The *HDO* alleged that Station KDND(FM), a radio station operated by Entercom License, LLC (Entercom) in Sacramento, California, held a water-drinking contest called “Hold Your Wee for a Wii” on January 12, 2007. Following the contest, contestant Jennifer Lea Strange died from water intoxication (hyponatremia). It was determined by a court that her death was a result of the station’s negligence.

The *HDO* designated for hearing various legal and factual issues related to the contest, including whether Entercom knew that the contest was dangerous and failed to warn the contestants; whether Entercom operated Station KDND(FM) in the public interest; and whether Entercom’s license for Station KDND(FM) should be renewed. 31 FCC Rcd at 12229-30, para. 83.

On January 9, 2017, intervenor Sue Wilson and the Media Action Center (collectively, MAC) filed a Petition to Enlarge Issues (Petition). On January 18, 2017, the Enforcement Bureau filed an Opposition to the Petition. On January 19, 2017, Entercom filed its own Opposition to the Petition. MAC filed a Reply to the Enforcement Bureau on January 26, 2017, and a Reply to Entercom on January 27, 2017. On February 1, 2017, the Enforcement Bureau filed a Motion for Leave to File a Surreply, along with the proposed Surreply.

Prior to any ruling on the Petition, Entercom filed a Notice of Discontinuance with the Media Bureau on February 3, 2017, notifying the Media Bureau that it would “permanently ~~discontinue operation of KDND(FM) . . . on February 8, 2017.~~” On February 8, 2017, Entercom

“forward[ed] the station license for KDND(FM) . . . and other KDND instruments of authorization to the Commission for cancellation . . . .”

The same day, February 8, 2017, Entercom filed a Motion to Dismiss Renewal Applications and Terminate Hearing.<sup>1</sup> On February 10, 2017, MAC filed an Opposition to Entercom’s Motion to Dismiss, as well as a request to hold a settlement conference.

Thereafter, on February 22, 2017, Entercom and MAC filed a Joint Motion for Approval of Settlement, to which the Enforcement Bureau had no objection. The settlement agreement only compensates MAC for its legal fees and nothing else, and the fees appear to be reasonable.

### **Rulings**

Entercom has avoided the Commission hearing process by surrendering its license for KDND(FM). Entercom has also reached a settlement agreement with MAC. Therefore, there is nothing further to be done here beyond dismissal. The ultimate question in the *HDO* was whether Entercom’s license for KDND(FM) should be renewed, and that has now been rendered moot by Entercom surrendering its license. Finally, Entercom has willingly accepted the severest penalty of a renewal case by surrendering forever its license to operate KDND(FM), Sacramento, California.

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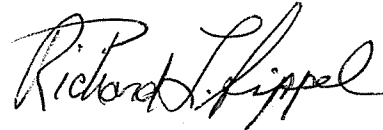
<sup>1</sup> The Prehearing Conference set for February 8, 2017 was cancelled via email upon receipt of Entercom’s Motion to Dismiss. *See Order*, FCC 17M-02 (rel. Feb. 6, 2017).

Accordingly, **IT IS ORDERED** that:

1. MAC's Petition to Enlarge and the Bureau's Motion for Leave to File a Surreply **ARE DISMISSED** as moot.
2. Entercom and MAC's Joint Motion for Approval of Settlement **IS GRANTED**; and
3. Entercom's Motion to Dismiss **IS GRANTED**, and this proceeding **IS TERMINATED**, with prejudice.

**SO ORDERED.**

FEDERAL COMMUNICATIONS COMMISSION<sup>2</sup>

A handwritten signature in black ink, appearing to read "Richard L. Sippel". The signature is fluid and cursive, with the first name "Richard" and last name "Sippel" clearly distinguishable.

Richard L. Sippel  
Chief Administrative Law Judge

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<sup>2</sup> Courtesy copies of this Order will be sent via email to all counsel of record on the date of issuance.